

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Defendants.

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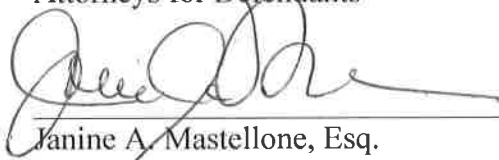
NOTICE OF MOTION
TO DISMISS SECOND-
AMENDED COMPLAINT

PLEASE TAKE NOTICE that upon annexed declaration of Janine A. Mastellone, Esq., dated October 16, 2017 (and the exhibits annexed thereto); the accompanying memorandum of law, dated October 16, 2017; and all the prior proceedings herein, defendants Village of Pomona, Brett Yagel, Mayor of the Village of Pomona, and Doris Ulman, Village Attorney of the Village of Pomona (collectively, “defendants”), by their undersigned attorneys, will move this Court on

October 16, 2017, or on such other date as may be stipulated or ordered, before the Hon. Cathy Seibel, for an Order, pursuant to Rules 12(b)(6) and 12(b)(1) of the Federal Rules of Civil Procedure, dismissing plaintiffs' second amended complaint with prejudice, and for such other, different and further relief as the Court in its discretion may deem just and proper.

Dated: White Plains, New York
October 16, 2017

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Attorneys for Defendants

A handwritten signature in dark ink, appearing to read "Janine A. Mastellone", is written over a horizontal line.

Janine A. Mastellone, Esq.
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Our File No. 00295.12564